

### **Remarks**

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks.

### ***References of Record***

There are two remaining issues with respect to the references reviewed during prosecution of this application. First, Applicants provide herewith, a copy of an information disclosure filed on March 23, 2001 ("Exhibit A"). Further, Applicants have verified (via PAIR) that this IDS was received by the Patent Trademark Office and that each reference contained therein has been scanned-in and is available in digital format to the Examiner. However, Applicants records do not reflect that the Examiner has considered these references. Applicants respectfully request that the Examiner consider these references and return initialed evidence indicating that they have been considered. 37 C.F.R. 1.97(b).

Second, the Examiner provided a reference to Applicants by e-mail on August 15, 2005 ("Sunsoft, Inc., Object Services RFP2 Submission, *Transaction Service Specification*, © 1993 Sun Microsystems, Inc., Nov. 29, 1993, 36 pages"). Applicants respectfully request that the Examiner provide a PTO-892 so the record reflects this Examiner-supplied reference. Applicants respectfully assert that since this reference was provided by the Examiner, it should not result in an IDS fee for the Applicant. Such action is respectfully requested.

### ***Allowable Claims***

The Office has indicated that claims 16, 17, 22-32, 36, 39, 40, 45-55, 84, 85, 90-100, 104, 107, 108, and 113-123 are allowable if rewritten to overcome the 35 U.S.C. §101 and 35 U.S.C. §112 rejections and if rewritten to include base claims and intervening claims. See Office Action, June 13, 2005, page 8, ¶ 11. Applicants have amended the indicated claims accordingly. Claims 16, 17, 22-32, 36, 39, 40, 45-55, 84, 85, 90-100, 104, 107, 108, and 113-123 should now be in condition for allowance. Such action is respectfully requested.

### ***Patentability under 35 U.S.C § 101***

The Office rejects claims 1-61 and 69-129 under 35 U.S.C. §101 as directed to non-statutory subject matter "not tied to a technological art, environment or machine." See e.g., the

Office Action, mailed June 13, 2005, at page 2. Applicants respectfully disagree. However, Applicants have amended the claims anyway. For example, claims 16, 22, 36, and 39, have been amended to indicate “the method is computer implemented”, claims 45, 48, 51, 54, and 55 have been amended to indicate the “program code is computer executed”, claims 84, 90, 104, and 107, have been amended to indicate that “said means are computer implemented”, and claims 113, 116, 119, 122, and 123 have been amended to indicate “program code for executing on the digital processor”. The claims are directed to proper statutory subject matter and should be allowable. Such action is respectfully requested.

***Patentability under 35 U.S.C. § 112***

The Office rejects all claims under 35 U.S.C. § 112, for failing to “assert a specific utility,” and for failing to “distinctly claim” the subject matter, since the claims omit “hardware necessary to execute the claimed software.” See e.g., the Office Action, mailed June 13, 2005, at page 3. Applicants respectfully disagree. However, Applicants have amended the claims anyway. For example, claims 16, 22, 36, and 39, have been amended to indicate “the method is computer implemented”, claims 45, 48, 51, 54, and 55 have been amended to indicate the “program code is computer executed”, claims 84, 90, 104, and 107, have been amended to indicate that “said means are computer implemented”, and claims 113, 116, 119, 122, and 123 have been amended to indicate “program code for executing on the digital processor”. The claims should now be allowable. Such action is respectfully requested.

***Formal Request For Interview***

Upon reviewing this response, if any issues remain, the Examiner is formally requested to contact the undersigned prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution. Applicants submit the foregoing formal Response so that the Examiner may fully evaluate Applicants’ position, thereby enabling the interview to be more focused. This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.


### CONCLUSION

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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By

  
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